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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/441,388   | 11/16/1999  | MATTHEW ACKLEY       | 2043.162US1         | 4261             |
| 49845  | 7590        | 08/10/2005           | EXAMINER            |                  |
| SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.<br>EBAY<br>P.O. BOX 2938<br>MINNEAPOLIS, MN 55402-0938 |             |                      | DETWILER, BRIAN J   |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             |                      |                     | 2173             |

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/441,388             | ACKLEY ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Brian J. Detwiler      | 2173                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 27-29,31-35,38-40 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 27-29,31-35,38-40 and 42-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-29, 31-35, 38-40, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,152 (Carlin et al) and "Domain Names - Concepts and Facilities" (RFC 1034).

Referring to claims 27 and 38, Carlin discloses in column 2: lines 10-38 a multi-provider online sales system, wherein a plurality of service providers are each allocated a subset of subscriber features and a customized user interface. Figures 3a-3j illustrate the user interface provided by the multi-provider online sales system, which allows each service provider to build a customized sales interface. In column 5: lines 16-42, Carlin further discloses that each subscriber of a service provider sees the associated online service as independent even though the server providing the interface is maintained by the multi-provider online sales system. In column 1: lines 19-27, Carlin explains that online services can operate over a TCP/IP network. This embodiment would further require that each sales interface and the host computer be located at a unique network address. Carlin fails to specifically disclose, though, that the sales interfaces operate at different domains. However, one of ordinary skill in the art would have been motivated to map each interface to a different domain because of Carlin's suggestion in

column 8: lines 54-56, which says that it should appear to the subscriber that he or she is connected to an online service that is administered by that service provider. One method for providing such an appearance is through the use of subdomains. RFC 1034, published by the Network Working Group in 1987, describes how the domain hierarchy works on page 8:

A domain is identified by a domain name, and consists of that part of the domain name space that is at or below the domain name which specifies the domain. A domain is a subdomain of another domain if it is contained within that domain. This relationship can be tested by seeing if the subdomain's name ends with the containing domain's name. For example, A.B.C.D is a subdomain of B.C.D, C.D, D, and “ ”.

Each service provider in Carlin's invention can thus be a subdomain of the domain operated by the multi-provider online sales system. If, for example, the primary domain was multi-provider.com, a plurality of service providers could be mapped to provider1.multi-provider.com, provider2.multi-provider.com, and so on. The service providers' interfaces can then be operated by a single sever while creating the impression that they are operated by unique domains.

Subdomains, however, need not necessarily be operated by a single server. After all, yahoo.com and google.com are both subdomains of the .com domain, but are operated by different servers. Accordingly, each service provider can have its own subdomain that is operated by a unique server. For example, site1.provider1.multi-provider.com and site2.provider1.multi-provider.com can be operated by a server that is separate from the one that operates provider1.multi-provider.com and provider2.multi-provider.com. Links can then be created from pages on one server to pages on another server wherein both sets of pages are mapped to the same parent domain. The examiner thus submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hierarchy of domains and subdomains as taught by RFC 1034 in combination with the teachings of Carlin so as to anticipate the claimed invention. As suggested by Carlin, such a combination would have been advantageous because

it would allow the multi-provider online sales system to maintain the impression that each sales interface is operated by its respective service provider and not by a single common entity.

Referring to claims 28 and 39, the teachings of RFC 1034 are all associated with the Domain Name System (DNS). The mapping of different sites is thus performed via DNS mapping.

Referring to claims 29 and 40, Carlin discloses in Table 1 a plurality of services that can be offered via the customized user interfaces, and are inherently presented on different pages linked by the menu structure illustrated in Figure 3j.

Referring to claims 31, 32, 42, and 43, Carlin and RFC 1034 fail to explicitly disclose that the first sales interface includes elements that are also included in the first set of pages and that the second sales interface includes elements that are also included in the second set of pages. However, the examiner submits that it is notoriously well known in the state of the art that pages mapped to the same domain commonly reuse graphical interface elements such as headers, banners, menus, links, and backgrounds so as to maintain a common look and feel when navigating amongst pages. The examiner takes OFFICIAL NOTICE of this teaching. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include common interface elements among the first and second sales interfaces and their respective sets of pages in order for the multi-provider online sales system to maintain the impression that each sales interface and its associated pages is operated by its respective service provider.

Referring to claims 33 and 44, Carlin and RFC 1034 fail to explicitly disclose that sales interfaces include interface elements comprising at least part of their respective domain names.

However, the examiner submits that it is notoriously well known in the state of the art that parts of the domain names are typically indicative of the respective service provider's name (e.g. Amazon.com), and are thus very commonly included in sales interfaces. The examiner takes OFFICIAL NOTICE of this teaching. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include part of the domain name in a user interface as a mechanism for associating the domain name with the name of the service provider. Such an association makes it easier for users to remember a network address and navigate to a service provider's sales interface.

Referring to claims 34 and 45, Carlin explains in column 2: lines 10-20 that the invention is a multi-provider on line service allowing a plurality of service providers to uniquely configure the appearance of their respective user interfaces. Each of these service providers can inherently belong to different legal entities.

Referring to claims 35 and 46, as discussed above, Carlin and RFC 1034 disclose a host server and a plurality of sales interfaces that provide the impression that they are being operated by different entities. In Figures 3a-3j, Carlin illustrates a customization interface responsive to user input to define the sales interfaces. As mentioned above, Carlin explains in column 8: lines 54-56, that from the subscriber's standpoint, it should appear that he/she is connected to an online service which is administered by that service provider. Additionally, Carlin explains in column 4: lines 37-51 that service providers can upload data for access solely to its own subscribers. Therefore, it is implied that the customization interface is operative to provide different headers for each sales interface.

***Response to Arguments***

Applicant's arguments filed 15 March 2005 have been fully considered but they are not persuasive. Applicant first asserts that there is no suggestion or motivation to combine the teachings of Carlin and RFC 1034. Applicant further asserts that Carlin's use of provider specific service maps teaches away from the invention of claim 27 by providing a distinct solution for making it appear to the subscriber that he or she is connected to an online service administered by that service provider. The examiner agrees that Carlin's provider specific service maps provide at least part of the solution, but the examiner respectfully disagrees that these maps in any way teach away from the claimed invention. In the proposed combination, Carlin's service maps would have no effect on mapping each interface to a different domain. Both concepts contribute to a fundamental advantage of Carlin's invention – that it appear to the subscriber that he or she is connected to an online service administered by the respective service provider even though the online service is administered elsewhere. Without the teachings of RFC 1034, users of Carlin's invention could easily determine by looking at the URL that the online service to which they have subscribed is not administered by the online service. The teachings of RFC 1034 thus *enhance*, not replace, one of the features of Carlin's invention. The examiner maintains that Carlin provides adequate motivation for proposing a combination with RFC 1034.

Applicant next asserts that the examiner failed to address the element of claim 27 requiring that "the first sales interface include links to a first set of pages not operated by the sales server but being mapped to the first domain" and "the second sales interface includes links to a second set of pages not operated by the sales server but being mapped to a second domain".

As discussed in the previous Office action and above, each service provider can have its own subdomain that is operated by a unique server. For example, site1.provider1.multi-provider.com and site2.provider1.multi-provider.com can be operated by a server that is separate from the one that operates provider1.multi-provider.com and provider2.multi-provider.com. Links can then be created from pages on one server to pages on another server wherein both sets of pages are mapped to the same parent domain. The examiner thus maintains that the limitation in question has been sufficiently addressed.

Applicant lastly asserts that the examiner failed to address claims 31-32 and 42-43. The examiner respectfully submits that Applicant is mistaken. Immediately following the discussion of claims 29 and 40, the previous and present Office actions addressed claims 31-32 and 43-43 as being unpatentable over Carlin and RFC 1034.

The rejections 27-29, 31-35, 38-40, and 42-46 are maintained for at least these reasons.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Detwiler whose telephone number is 571-272-4049. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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